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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q63128

Junichi KOSHIBA, et al.

Appln. No.: 09/780,485

Group Art Unit: 1771

Confirmation No.: 8114

Examiner: Hai Vo

Filed: February 12, 2001

For: **FOAMED RUBBER, PROCESS FOR PRODUCING THE SAME AND COMPOSITE  
COMPRISING THE FOAMED RUBBER**

**STATEMENT UNDER 37 C.F.R. § 1.97(e)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

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WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: August 15, 2003

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# THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	SUMITOMO CHEMICAL COMPANY, LTD.	Date of Notification: Date: <u>20</u> Month: <u>06</u> Year: <u>2003</u>
Attorney:	LIU MINGHAI	
Application No.:	01104681.3	
Title of the Invention:	<b>FOAMED RUBBER, PROCESS FOR PRODUCING THE SAME AND COMPOSITE COMPRISING THE FOAMED RUBBER</b>	

## Notification of the First Office Action

1.  The applicant requested examination as to substance and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China(hereinafter referred to as "the Patent Law").  
 The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
2.  The applicant claimed priority/priorities based on the application(s):  
filed in JP on Feb. 21, 2000, filed in JP on Mar. 10, 2000,  
filed in \_\_\_\_\_ on \_\_\_\_\_, filed in \_\_\_\_\_ on \_\_\_\_\_,  
filed in \_\_\_\_\_ on \_\_\_\_\_, filed in \_\_\_\_\_ on \_\_\_\_\_,  
 The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.  
 The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.  
 The application is a PCT continuation.
3.  The applicant submitted amendments to the application on \_\_\_\_\_ and on \_\_\_\_\_, wherein the amended \_\_\_\_\_ submitted on \_\_\_\_\_ and the amended \_\_\_\_\_ submitted on \_\_\_\_\_ are not acceptable, because said amendments do not comply with  Article 33 of the Patent Law.  
 Rule 51 of the Implementing Regulations of the Patent Law.  
The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.
4.  Examination as to substance was directed to the initial application documents as filed.  
 Examination as to substance was directed to the documents as specified below:  
pages \_\_\_\_\_ of the description, claims \_\_\_\_\_ and pages \_\_\_\_\_ of the drawings submitted on \_\_\_\_\_, pages \_\_\_\_\_ of the description, claims \_\_\_\_\_ and pages \_\_\_\_\_ of the drawings submitted on \_\_\_\_\_, pages \_\_\_\_\_ of the description, claims \_\_\_\_\_ and pages \_\_\_\_\_ of the drawings submitted on \_\_\_\_\_, the abstract submitted on \_\_\_\_\_, and the figure for the abstract submitted on \_\_\_\_\_.
5.  This Notification is issued without search reports.  
 This Notification is issued with consideration of the search results.  
 Below is/are the reference document(s) cited in this Office Action(the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	US5798009A	Date: <u>25</u> Month: <u>8</u> Year: <u>1998</u>
2		Date: __ Month: __ Year: __
3		Date: __ Month: __ Year: __
4		Date: __ Month: __ Year: __

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6. Conclusions of the Action:

- On the Specification:
  - The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
  - The description does not comply with Article 26 paragraph 3 of the Patent Law.
  - The draft of the description does not comply with Rule 18 of the Implementing Regulations.
- On the Claims:
  - Claim(s) \_\_\_\_ is/are not patentable under Article 25 of the Patent Law.
  - Claim(s) \_\_\_\_ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
  - Claim(s) \_\_\_\_ does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
  - Claim(s) 1-10 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
  - Claim(s) \_\_\_\_ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
  - Claim(s) \_\_\_\_ does/do not comply with Article 26 paragraph 4 of the Patent Law.
  - Claim(s) \_\_\_\_ does/do not comply with Article 31 paragraph 1 of the Patent Law.
  - Claim(s) \_\_\_\_ does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
  - Claim(s) \_\_\_\_ does/do not comply with Article 9 of the Patent Law.
  - Claim(s) \_\_\_\_ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- The applicant should make amendments as directed in the text portion of the Notification.
- The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
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8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of \_\_\_\_ pages and the following attachments:

- 1 cited reference(s), totaling 12 pages.

Examination Dept. \_\_\_\_\_ Examiner: \_\_\_\_\_

Seal of the Examination Department